

Before the State of South Carolina  
Department of Insurance

In the matter of:	)	Consent Order Suspending
	)	License for Six Months
William Murphy,	)	
	)	File Number: 100139
221 Reid Drive	)	
Aiken, South Carolina 29801.	)	
_____	)	

This matter comes before me pursuant to an Order of Dismissal issued by the Honorable Ray N. Stevens, Administrative Law Judge, on March 1, 2000.

William Murphy was convicted on September 21, 1999 on a misdemeanor charge of "forgery" in Aiken County, South Carolina. This offense is considered a crime involving moral turpitude See State v. Johnson, 271 S.C. 485, 248 S.E.2d 313 (1978). S.C. Code Ann. § 38-53-90 (Supp. 1999) requires an applicant for licensure as a surety bondsman to certify that he "is a person of good moral character and has not been convicted of a felony or any crime involving moral turpitude within the last ten years." S.C. Code Ann. § 38-53-150 (A)(1) (Supp. 1999) provides that the Director of Insurance may revoke a surety license "for any cause sufficient to deny issuance of the original license."

The South Carolina Department of Insurance initiated an action to revoke William Murphy's resident surety bondsman's license by serving upon him a Letter of Allegation and Notice of Opportunity for Public Hearing, as required within S.C. Code Ann. § 38-3-170 (Supp. 1999). Murphy requested a Public Hearing, the Department filed an Agency Transmittal Form with the Administrative Law Judge Division, and this case was assigned to the Honorable Ray N. Stevens, Administrative Law Judge. A hearing was scheduled for March 2, 2000. However, on March 1, 2000, the parties held a teleconference with Judge Stevens and reached a mutually satisfactory agreement. Judge Stevens thereafter issued his Order of Dismissal (see attached).

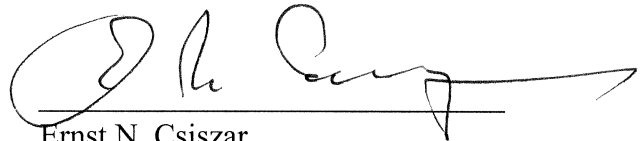
After a thorough review of the record, carefully considering the recommendation of the parties, and in accordance with my findings of fact, I now conclude, as a matter of law, that Murphy has been convicted of a crime involving moral turpitude and is subject to the penalties of S.C. Code Ann. § 38-53-150 (Supp. 1999). Although Murphy's surety bondsman's license could now be revoked, the parties have mutually agreed that, in lieu of such revocation, Murphy would consent to having his license suspended for a period of six months. This administrative penalty has been reached by the parties as a result of negotiation and compromise. Murphy has acknowledged his past errors and has expressed remorse for them. The Department believes that Murphy is unlikely to commit criminal acts or other violations of the law in the future. Accordingly, this agreement has been made in consideration of Murphy's assurance that in the future he will conduct his affairs so as to be regarded as a person of good moral character and that he will comply with the state's insurance laws.

By their signatures upon this Consent Order, the parties acknowledge that they understand that this administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10 *et seq.* (1991 and Supp. 1999). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110(4) (Supp. 1999), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report".

It is therefore ordered that William Murphy's resident surety bondsman's license shall be immediately suspended for a period of six (6) months.

It is further ordered that a copy of this Consent Order shall be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which William Murphy is currently licensed, through the State of South Carolina Department of Insurance, as a resident surety bondsman within the State of South Carolina.

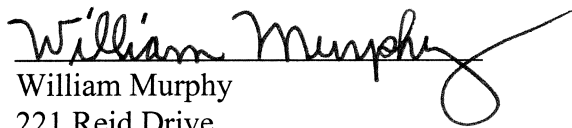
This Consent Order becomes effective as of the date of my signature below.



Ernst N. Csiszar  
Director

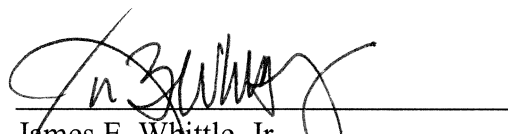
March 9, 2000, at  
Columbia, South Carolina

WE CONSENT:



William Murphy  
221 Reid Drive  
Aiken, South Carolina 29801

Dated this 7<sup>th</sup> day of March, 2000



James E. Whittle, Jr.  
Attorney for William Murphy  
P.O. Box 2619  
Aiken, South Carolina 29802-2619

Dated this 7<sup>th</sup> day of March, 2000